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FISCAL IMPACT REPORT

SPONSOR Luján, B. DATE TYPED 2/25/05 HB 719/aHBIC

SHORT TITLE Create Offense of Account Wagering SB _____

ANALYST Medina

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	NFI				

(Parenthesis () Indicate Expenditure Decreases)

Companion to HB 648

SOURCES OF INFORMATION

LFC Files

Responses Received From

Gaming Control Board (GCB)

Attorney General (AG)

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of HBIC Amendment

The House Business and Industry Committee amendment provides that nothing in the bill prohibits any activity authorized by Sections 60-1-25 and 60-1-25.1 NMSA 1978. These sections permit the simulcasting of races being run at licensed New Mexico racetracks and allow a licensed New Mexico racetrack to participate in interstate common pools, respectively.

Synopsis of Original Bill

House Bill 719 amends statute to prohibit account wagering in any form. The bill makes it unlawful to receive, transmit, or forward information of anything of value to place a bet or to assist in the placing of a bet through the use of a system of account wagering, whether or not the account wagering system is located in New Mexico. The bill sets a fourth degree felony offense for violation of the prohibition on account wagering.

Significant Issues

Due to technological advancements, account wagering is becoming a growing phenomenon nationwide. Violation of the prohibition on account wagering is a fourth degree felony. According to the Gaming Control Board, law enforcement or gaming regulatory agencies with law enforcement power will need to train individuals in the area of computer forensics.

According to the Attorney General, there may jurisdictional issues in those cases where the individuals setting up a wagering account in another state are allowed to do so by that state's laws, but would be violating New Mexico law.

ADMINISTRATIVE IMPLICATIONS

Investigative personnel of GCB would need to be trained to conduct investigations on account wagering, specifically in computer forensics.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

There would continue to be prohibition of account wagering. Law enforcement would have no effective means to stop individuals from betting within New Mexico using an account balance by means of telephone, internet, wire, or cable to venues outside of the state.

DXM/yr